

1 APPEARANCES:

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4 HOPKINS & SUTTER, by
5 MR. JOHN W. MC CAFFREY and
6 MS. KATHLEEN P. PASULKA-BROWN
7 Three First National Plaza
8 70 West Madison Street
9 Suite 4100 Chicago, Illinois 60602 -4205
10 appearing for
11 PrimeCo Personal Communications;

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13 MR. KARL B. ANDERSON
14 225 West Randolph
15 Chicago, Illinois 60606
16 appearing for
17 Illinois Bell Telephone Company;

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28 SULLIVAN REPORTING COMPANY, by
29 Leah Ann Bezin, CSR
30 License No. 084-001104

1 JUDGE ZABAN: By the power vested in me by the
2 Illinois Commerce Commission, I now call Docket
3 No. 00-0670, PrimeCo Personal Communications versus
4 Illinois Bell Telephone Company doing business as
5 Ameritech.

6 This is a complaint pursuant to
7 Sections 13-514 and 13-515 of the Public Utilities
8 Act.

9 Will the parties please identify
10 themselves for the record.

11 MR. ANDERSON: Karl B. Anderson, Illinois Bell
12 Telephone Company, 225 West Randolph, Chicago,
13 Illinois 60606.

14 MR. MC CAFFREY: John W. McCaffrey and
15 Kathy Pasulka-Brown of Hopkins & Sutter, 70 West
16 Madison, Suite 4100, for PrimeCo Personal
17 Communications.

18 JUDGE ZABAN: Okay. And it's my understanding
19 that the parties have presented a
20 motion -- actually, it's an agreed motion to replace
21 the original redacted verified complaint with a new
22 redacted verified complaint; is that correct?

1 MR. MC CAFFREY: That's correct.

2 JUDGE ZABAN: Okay. And that is agreed,
3 Mr. Anderson?

4 MR. ANDERSON: Yes, that is correct.

5 JUDGE ZABAN: Okay. And, Mr. McCaffrey, it's my
6 understanding that in addition to the notice having
7 been sent out to all the parties, that a copy of the
8 redacted verified complaint has been sent to the
9 clerk's office; is that correct?

10 MR. MC CAFFREY: That is correct.

11 JUDGE ZABAN: Okay. So that I will grant that
12 motion.

13 And, as part of any order I enter today,
14 I will instruct the clerk's office to remove the old
15 complaint from the E docket and replace it with the
16 redacted verified complaint.

17 MR. MC CAFFREY: Remove the old redacted
18 complaint.

19 JUDGE ZABAN: Right. And, as we said, the
20 re-redacted verified complaint. Okay.

21 MR. MC CAFFREY: Yes.

22 JUDGE ZABAN: Okay. Now, as we started

1 to discuss, we are somewhat on a limited timetable.

2 As I understand the rules, they require
3 us to have a hearing within or commence a hearing
4 within 30 days and have an order to the Commission
5 no later than 60 days after the time that the
6 complaint is filed, which means -- my understanding
7 was this complaint was filed October 17th.

8 So we are looking at probably the week of
9 the 13th in November for a hearing and somewhere
10 around the 15th for presenting an order to the
11 Commission. Actually, probably a little before
12 that.

13 MR. ANDERSON: Mr. Hearing Examiner, we have
14 discussed dates which would result in pushing the
15 hearings somewhat beyond that 30 days. And both
16 parties have agreed, you know, subject to your
17 approval, to waive the strict 30-day limit on the
18 hearing to accommodate the schedule.

19 But it is a fairly expedited schedule,
20 and perhaps we could give you our proposed dates at
21 this time.

22 JUDGE ZABAN: Okay. Why don't we go off the

1 record and let's talk. Okay?

2 (Whereupon, a discussion was
3 had off the record.)

4 JUDGE ZABAN: Okay. Let's go on the record.

5 Okay. We are back on the record.

6 We have had an opportunity to discuss
7 this matter in terms of a schedule off the record.

8 Before we went off the record,
9 Mr. McCaffrey, I believe that you had indicated that
10 you wanted to make some comment for the record.

11 MR. MC CAFFREY: Just that PrimeCo and Ameritech
12 had discussed it, and we agreed -- PrimeCo was
13 agreeable to be flexible in the time frame provided
14 that the dates that we did set for a schedule, which
15 now we have all agreed to, are firm dates.

16 JUDGE ZABAN: Okay. And what we also discussed
17 off the record is that both the parties are going to
18 agree to waive the statutory time period in terms of
19 time that the Hearing Examiner's order is due to
20 allow full discovery and to allow the parties an
21 opportunity to present all the testimony and give
22 them adequate time to prepare their cases; is that

1 correct?

2 MR. MC CAFFREY: That's correct.

3 JUDGE ZABAN: Okay. And that's going to be
4 followed up by a written motion that you are going
5 to provide me, an agreed written motion that you are
6 going to provide me with tomorrow; is that correct?

7 MR. MC CAFFREY: Correct.

8 MR. ANDERSON: That's correct.

9 JUDGE ZABAN: Okay. All right.

10 So my understanding of the schedule is
11 that PrimeCo has already tendered its testimony to
12 Illinois Bell; and that Illinois Bell is going to
13 have until November the 8th for supplying its
14 pre-offered direct testimony; PrimeCo will then have
15 until November the 17th for rebuttal testimony; that
16 the hearing dates are tentatively scheduled for
17 December the 4th and 5th at 10:00 o'clock; that
18 December the 15th will be the date for the initial
19 briefs; December the 22nd will be the date for the
20 reply briefs and proposed
21 orders; and that the Hearing Examiner's order,
22 proposed order, will be due on January the 3rd 2001.

1 Is that our understanding?

2 MR. MC CAFFREY: That's my understanding.

3 MR. ANDERSON: That's correct.

4 JUDGE ZABAN: Okay.

5 And also, I'm going to allow the service
6 by e-mail on the individual parties of any documents
7 that are due, and that will be followed up by hard
8 copy that evening or the next day. Okay?

9 Do we have anything further?

10 MR. ANDERSON: I have nothing further.

11 MR. MC CAFFREY: Do we want to talk about
12 discovery at all?

13 MR. ANDERSON: I don't think we have anything to
14 talk about.

15 We have some discovery from PrimeCo that
16 we are endeavoring to answer; and we will have some
17 discovery for PrimeCo, which we will try to get out
18 by the end of this week.

19 MR. MC CAFFREY: Okay.

20 JUDGE ZABAN: Just so you understand, my policy
21 on these matters is, when it comes to discovery, I
22 am willing to entertain emergency motions if there

1 is a problem.

2 We can do it one or two ways.

3 Since everybody is downtown, it isn't

4 much of a problem. But we can also do it by a

5 telephone conference as well. Just give me a little

6 notice so I can make sure I'm available, and we can

7 resolve whatever problems we have.

8 MR. MC CAFFREY: Terrific.

9 JUDGE ZABAN: Okay?

10 MR. ANDERSON: Thank you.

11 MR. MC CAFFREY: Thank you.

12 JUDGE ZABAN: Okay. Thank you very much.

13 It was nice meeting all of you.

14 I look forward to seeing you more in the

15 future.

16 MR. MC CAFFREY: Very good.

17 JUDGE ZABAN: Because when you are here, I have a

18 job.

19 (Whereupon, the above-entitled

20 matter was continued to

21 December 4th, A.D., 2000,

22 at 10:00 o'clock a.m.)